**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD**

**THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA**

Writ Petition No.3939 of 2000

Dated: 23-04-2007

**Between:**

Gangireddi Rama Rao, s/o Bale Ramayya,
r/o Mulagalampalli village,
Jeelugumilli Mandal,
West Godavari District.

**... Petitioner**

**and**

1. The District Collector, West Godavari, Eluru and another.

**... Respondents**

**ORDER:**

This writ petition is filed seeking a *mandamus* to declare the action of respondents in interfering with the possession and enjoyment of petitioner, as illegal and arbitrary and consequently direct respondents not to interfere with the possession of petitioner's land in an extent of Acs.6-00 in R.S.No.453 situated at Ganapavaram village of Buttaigudem Mandal.

2. Petitioner states that his father and his father's brother

purchased the land in question through a registered sale deed dated 18-05-1938 from one Kanumuri Bala Rama Rao and during family partition; the said land was allotted to his father's share. After commencement of Andhra Pradesh Scheduled Areas Land of Transfer Regulations 1 of 1959 as amended by 1 of 1970 (for short, 'Regulations'), the Special Deputy Tahasildar
(Tribal Welfare), K.R.Puram made a complaint against him under Regulation 3(2)(a) of the Regulations before the Special Deputy Collector (Tribal Welfare), K.R.Puram stating that he is in possession of the scheduled land situated in Agency Area, which is in contravention of the Regulations, and that the transactions between his father and the
non-tribals are null and void as per the Regulations and accordingly sought for orders for assignment of the said land to the eligible landless poor tribals. The Special Deputy Collector after issuing a notice as provided for in Form 'E' under Regulation 7(2) of the Regulations and after causing an enquiry came to the conclusion that his or his father's possession cannot be said to be hit by the provisions of the Regulations and accordingly disallowed the claim made by the Special Deputy Tahasildar. Against the said order, an appeal is provided for to the Agent to the Government, but, as no appeal is preferred, the said order has become final.

3. Now the grievance of petitioner is that though the said order has become final, second respondent – Mandal Revenue Officer, who has no jurisdiction in matters relating to the Regulations, requested the Special Deputy Tahasildar (Tribal Welfare), K.R.Puram, by his proceedings in Roc.230/97 (Supt.) dated 08-06-1999, to initiate necessary proceedings as the possession by petitioner is contrary to

the provisions of the Regulations. Along with the said proceedings a statement was also annexed, wherein petitioner name is shown at Sl.No.81. Hence, petitioner approached this Court and filed the present writ petition stating that the proceedings of the Mandal Revenue Officer, dated 08-06-1999, are not only illegal, but also without jurisdiction.

4. Heard learned counsel for the parties.

5. When once a judgment is rendered, it is settled legal proposition that it becomes final and the said judgment cannot be reviewed at a later stage. If the parties so choose, they are always at liberty to file appeals, but the question of reviewing does not arise.

6. In the instant case, the second respondent – Mandal Revenue Officer, I do not know under which provision of law has directed the Special Deputy Tahasildar (Tribal Welfare) to initiate proceedings. It is not for him to say as to what a Special Deputy Tahasildar (Tribal Welfare) should do. It is no doubt, a Special Deputy Tahasildar can always question the orders passed by the Special Deputy Collector (Tribal Welfare) but as the order is dated 04-07-1995, and no appeal has been preferred, it must be construed that the said order has become final. So long as the said order is in existence, definitely the proceedings dated 08-06-1999 issued by second respondent – Mandal Revenue Officer is without jurisdiction.

7. Accordingly, the writ petition is allowed and second respondent – Mandal Revenue Officer is directed not to evict the petitioner from out of the land in question. No costs.

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**JUSTICE GOPALAKRISHNA TAMADA**

Dt.23-04-2007
GLV